

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS Page 1 of 2 FILED 927 MAY 19 2014 CLERK, U.S. DISTRICT COURT United States Court of Appeals Fifth Circuit By _____ Deputy FILED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-10252

April 23, 2014

Lyle W. Cayce
Clerk

KYEV POMPA TATUM, SR.; TONYA ROCHELLE TATUM;
ARCHIE IKEY TATUM; HERSHEY ANN TATUM,

Plaintiffs-Appellants,

v.

TARRANT REGIONAL WATER DISTRICT; VICTOR W. HENDERSON;
JACK STEVENS; MARTY LEONARD; JIM LANE; MARY KELLEHER,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CV-24 — *C*

Before HIGGINBOTHAM, DAVIS, and HAYNES, Circuit Judges.

PER CURIAM:*

The plaintiffs, Kyev Pompa Tatum, Sr., Tonya Rochelle Tatum, Archie Ikey Tatum, and Hershey Ann Tatum, appeal from the district court's denial of their motion for preliminary injunction and dismissal of their action with prejudice. They sought to require the defendant-appellant, the Tarrant Regional Water District, to hold an election in May of 2014 for two of its director positions whose four-year terms are set to expire then. We agree with

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 14-10252

the district court that no election is authorized under Texas law until May of 2015, and the United States Constitution does not require an election this year. We therefore affirm on that basis.

We take no position on the question of what will happen when the two directors' four-year elected terms end in May of 2014. That question is not yet ripe. When their terms end, Texas state law will control the question of how the director positions will be filled and any related issues.

For the reasons set forth above, we AFFIRM.